

C O P Y

13 December 1949

MEMORANDUM

TO : The Executive

THROUGH: Chief, S S S

FROM : Finance Division

SUBJECT: Interruption of Continuous Foreign Service for Home Leave Accrual

1. Public Law 110, Section 5 (3) A provides that "every officer and employee of the Agency who was a resident of the United States or its territories and possessions at time of employment, upon completion of two years' continuous service abroad or as soon thereafter as possible shall be ordered to the United States or its territories and possessions on leave." The Foreign Service Act (Public Law 724), Section 933, is identical in substance.

2. A difficult problem arises in instances where employees are returned to the United States on temporary duty for consultation or emergency leave at personal expense. The question is whether or not such emergency leave, or leave taken in the United States incidental to the TDY constitutes interruption of "two years' continuous service abroad" and thereby abrogates time accrued toward home leave.

3. We have located a decision of the Comptroller General which clearly establishes the ruling that official consultation in the United States does not constitute a break in continuous service within the meaning of the Foreign Service statute. (Volume 19, page 750, B-3365). This decision includes the following general statement, the implications of which are not clearly defined:

"The words, 'continuous service' are not used literally as requiring the Foreign Service Officer to remain at all times physically within the 'service abroad'; nor do such words appear synonymous with uninterrupted service."

Whether or not leave taken in the United States in connection with TDY in the United States or emergency leave constitutes interruption of continuous service is not apparent.

4. We have queried the State Department as to their practices and have been informed that any leave taken in the United States does constitute break in continuous service in their application of home leave regulations. However, they volunteered the information that their personnel "never take leave in the United States, other than home leave." This

leads us to the belief that in the Foreign Service they follow the procedure of considering emergency home leave at the expense of the individual merely as station leave and that a small amount of leave taken while on temporary duty is not recorded, but is handled as "basket leave."

5. A CIA policy and procedural decision on this matter is absolutely necessary in view of CIA audit procedures. It is current practice in the Audit Division, I & S, to take exception to excess travel time taken by the traveler in making transportation connections at key cities in the United States. Although the travel standards appear reasonable, they are also somewhat arbitrary. Under these conditions, a traveler returning to his foreign post after Washington consultation duty might depart for New York 24 hours in advance of the reasonably necessary departure time. This could occur through misunderstanding or with the intent of spending an extra day in New York. The traveler might then suddenly discover that he had been charged with a day's leave and had lost his service accrual for home leave.

6. More practically, it is almost inevitable that every employee in Washington for consultation is going to want at least a few hours or days leave to attend to his personal affairs. To deny this privilege under penalty of loss of home leave accrual appears most unreasonable.

7. To resolve these problems, it is requested that a policy be formulated under which CIA will or will not consider minor amounts of leave, emergency leave, and leave incidental to travel as nullifying home leave accrual.

8. Barring legal obstacles, it is recommended that;

a. Emergency leave in the United States performed at the sole expense of the employee be considered leave at the foreign station.

b. That up to seven calendar days' leave be authorized in the United States, incidental to TDY in Washington without negating the continuous service requirement for home leave.

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Acting Chief, Finance Division